

# **EXHIBIT 7**

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## Deputy in S.F. jail probe accused in 2012 complaint

By **Vivian Ho** Published 3:42 pm, Monday, April 27, 2015

The sheriff's deputy at the center of allegations that San Francisco County Jail inmates were forced to fight each other was investigated nearly three years ago after an inmate accused him of kicking and choking him in the same jail in 2012.

Though department officials say an internal affairs investigation found no wrongdoing by Deputy **Scott Neu**, the 2012 accusations mark yet another complaint against a deputy with a checkered professional past.

Former inmate **Michael Hampton** said the 2012 incident occurred shortly after he was transferred from County Jail No. 4 that August to the department's San Bruno jail and back again, according to Hampton's attorney, **George Lazarus**.

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Hampton had gotten into a verbal dispute with a deputy at the San Bruno jail over a bunk assignment, Lazarus said. Deputies tried to handcuff Hampton, but he refused to comply and about 10 deputies then “rushed at him with punches, threw him to the ground and kicked him in the head and mouth,” Lazarus said. They pulled Hampton’s shirt over his face and choked him until he lost consciousness, the attorney said.

Two days later, Hampton was back at County Jail No. 4, and Neu and a sergeant took him to a “blind spot,” Lazarus said. Neu wrapped a towel around Hampton’s neck and pulled it up like a noose, choking him as the sergeant threatened to kill him, the attorney said. Neu and the sergeant, he said, then forced him under a bed and kicked him.

“It was a combination of retaliation (for the incident at San Bruno) and a warning to him to comply with the rules and regulations at County Jail No. 4,” Lazarus said. “It was about punishment and control.”

Hampton tried to file a grievance, Lazarus said, but the deputies refused to give him a form. When another inmate got one for him, the deputies threw it in the trash.

Lazarus said he learned of the incident when another inmate contacted Hampton’s mother and the mother contacted him. Lazarus wrote a letter to **Vicki Hennessy**, who was serving as acting sheriff at the time. Lazarus said he never received a response, but Hennessy said her notes show that she opened an internal affairs investigation into the matter on Aug. 17, 2012, the day she received Lazarus’ letter.

Hennessy said investigators interviewed Hampton later that day, and she then transferred Hampton to another jail, away from the deputies he was accusing of wrongdoing. She said she instructed her legal counsel to contact Lazarus, but the attorney said he heard from no one.

**Freya Horne**, chief legal counsel for the Sheriff's Department, said "the investigation was reviewed by the undersheriff and legal counsel who determined there was no wrongdoing by the deputies."

No disciplinary action was taken for any of the deputies accused, including Neu.

Neu is on paid administrative leave for allegedly forcing inmates to fight each other. He was accused nine years ago of sexually assaulting three inmates, resulting in two lawsuits and a city settlement of \$97,500.

In addition, four other claims and lawsuits have been filed against him. A jury ruled in Neu's favor in a 2011 excessive force lawsuit, while two separate claims alleging excessive force and false arrest were dropped by the plaintiffs in 2013 and 2014. The fourth excessive force lawsuit is ongoing.

"It's not uncommon at all for criminals to make accusations against jailers and deputies," said Harry Stern, Neu's attorney.

"It's not uncommon for inmates to file lawsuits against deputies, or police officers. There are attorneys who specialize in that and that's all they do."

Stern had no comment on the 2012 allegations against his client.

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